

HOUSE BILL 3309
By Niceley

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 2 and Title 47, Chapter 18, relative to the
"Tennessee Arsenic Feeding Law".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 2, is amended by adding Sections 2 through 9 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Tennessee Arsenic Feeding Law".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Arsenic" means a trivalent and pentavalent solid poisonous element in the nitrogen family that is commonly metallic steel-gray, crystalline, and brittle, and comes in either organic or inorganic form; and

(2) "Commissioner" means the commissioner of agriculture;

(3) "Person" means any individual, partnership, corporation, association or other legal entity or any organization, political subdivision or governmental agency.

SECTION 4. This part shall be enforced and administered by the commissioner or the commissioner's designated representative.

SECTION 5. No person shall feed arsenic to chickens in this state, or import chickens that have been fed arsenic from other states.

SECTION 6. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of title 4, chapter 5.

SECTION 7. The commissioner or the commissioner's designated representative may enter upon any premises, public or private, for the purpose of determining if a violation of this part has occurred.

SECTION 8.

(a) A violation of this part by any person shall result in a forfeiture of all conveyances used to transport chickens and a fine of ten thousand dollars (\$10,000).

(b) Each feeding of arsenic is to be considered a separate violation.

(c) Any hearing on the imposition of a civil penalty pursuant to the provisions of this section shall be in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. The commissioner, upon determining that any person may have violated any provision of this part, may petition for injunctive relief from further violation. Such petition shall be addressed to the chancery court in the county in which the violation occurred or in which the offender's principal place of business is located or where the offender is doing business or resides. The chancellor, on determining that probable cause of a violation of this part exists, shall issue appropriate injunctive relief.

SECTION 10. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new, appropriately designated subdivision:

() Violating the provisions of the "Tennessee Arsenic Feeding Law".

SECTION 11. This act shall take effect January 1, 2007, the public welfare requiring it.